

107TH CONGRESS
1ST SESSION

S. 409

To amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2001

Mrs. HUTCHISON (for herself and Mr. DURBIN) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Persian Gulf War Ill-
5 ness Compensation Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Although the majority of veterans of the
2 Armed Forces who served in the Persian Gulf War
3 returned from the Southwest Asia theater of oper-
4 ations to normal activities, many of those veterans
5 have experienced a range of unexplained illnesses,
6 including chronic fatigue, muscle and joint pain, loss
7 of concentration, forgetfulness, headache, and rash.

8 (2) Those veterans were potentially exposed
9 during that war to a wide range of biological and
10 chemical agents, including sand, smoke from oil-well
11 fires, paints, solvents, insecticides, petroleum fuels
12 and their combustion products, organophosphate
13 nerve agents, pyridostigmine bromide, depleted ura-
14 nium, anthrax and botulinum toxoid vaccinations,
15 and infectious diseases, in addition to other psycho-
16 logical and physiological stresses.

17 (3) Section 1117 of title 38, United States
18 Code, enacted on November 2, 1994, by the Persian
19 Gulf War Veterans' Benefits Act (title I of Public
20 Law 103-446), provides for the payment of com-
21 pensation to Persian Gulf veterans suffering from a
22 chronic disability resulting from an undiagnosed ill-
23 ness (or combination of undiagnosed illnesses) that
24 became manifest to a compensable degree within a
25 period prescribed by regulation.

1 (4) The Secretary of Veterans Affairs pre-
 2 scribed regulations under section 1117 of title 38,
 3 United States Code, that interpreted that section so
 4 as to limit compensation to Persian Gulf veterans
 5 with illnesses that “cannot be attributed to any
 6 known clinical diagnosis”.

7 (5) In a report dated September 7, 2000, the
 8 Institute of Medicine of the National Academy of
 9 Sciences indicated that it was not asked to deter-
 10 mine whether an identifiable medical syndrome re-
 11 ferred to as “Gulf War Syndrome” exists and sug-
 12 gested that the Secretary of Veterans Affairs, in de-
 13 veloping a compensation program for Persian Gulf
 14 veterans, consider the health effects that may be as-
 15 sociated with exposures to specific agents that were
 16 present in the Southwest Asia theater of operations
 17 during the Persian Gulf War.

18 **SEC. 3. COMPENSATION OF VETERANS OF PERSIAN GULF**
 19 **WAR WHO HAVE CERTAIN ILLNESSES.**

20 (a) PRESUMPTIVE PERIOD FOR UNDIAGNOSED ILL-
 21 NESSES PROGRAM.—Section 1117 of title 38, United
 22 States Code, is amended—

23 (1) in subsection (a)(2), by striking “within the
 24 presumptive period prescribed under subsection (b)”
 25 and inserting “before December 31, 2011, or such

1 later date as the Secretary may prescribe by regula-
 2 tion”; and

3 (2) by striking subsection (b).

4 (b) UNDIAGNOSED ILLNESSES.—Such section, as
 5 amended by subsection (a), is further amended by insert-
 6 ing after subsection (a) the following new subsection (b):

7 “(b)(1) For purposes of this section, the term
 8 ‘undiagnosed illness’ means illness manifested by symp-
 9 toms or signs the cause, etiology, or origin of which cannot
 10 be specifically and definitely identified, including poorly
 11 defined illnesses such as fibromyalgia, chronic fatigue syn-
 12 drome, autoimmune disorder, and multiple chemical sensi-
 13 tivity. The attribution of one or more of the symptoms
 14 to a disability that is not an undiagnosed illness shall not
 15 preclude other symptoms from being considered a mani-
 16 festation of an undiagnosed illness.

17 “(2) For purposes of paragraph (1), signs or symp-
 18 toms that may be a manifestation of an undiagnosed ill-
 19 ness include the following:

20 “(A) Fatigue.

21 “(B) Unexplained rashes or other dermato-
 22 logical signs or symptoms.

23 “(C) Headache.

24 “(D) Muscle pain.

25 “(E) Joint pain.

1 “(F) Neurologic signs or symptoms.

2 “(G) Neuropsychological signs or symptoms.

3 “(H) Signs or symptoms involving the res-
4 piratory system (upper or lower).

5 “(I) Sleep disturbances.

6 “(J) Gastrointestinal signs or symptoms.

7 “(K) Cardiovascular signs or symptoms.

8 “(L) Abnormal weight loss.

9 “(M) Menstrual disorders.”.

10 (c) PRESUMPTION OF SERVICE CONNECTION PRO-
11 GRAM.—Section 1118(a) of such title is amended by add-
12 ing at the end the following new paragraph:

13 “(4) For purposes of this section, the term
14 ‘undiagnosed illness’ has the meaning given that term in
15 section 1117(b) of this title.”.

16 (d) EFFECTIVE DATE.—(1) For purposes of section
17 5110(g) of title 38, United States Code—

18 (A) the amendments to section 1117 of title 38,
19 United States Code, made by subsections (a) and (b)
20 shall take effect as of November 2, 1994; and

21 (B) the amendment to section 1118 of title 38,
22 United States Code, made by subsection (c) shall
23 take effect as of October 21, 1998.

24 (2) The second sentence of section 5110(g) of title
25 38, United States Code, shall not apply in the case of an

1 award, or increased award, of compensation pursuant to
2 the amendments made by this section if the date of appli-
3 cation therefor is not later than one year after the date
4 of the enactment of this Act.

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